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MAIL STOP PCT  
Attorney Docket No.: 27183U  
Date: May 3, 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Art Unit: Unknown  
WOLLIN Examiner: Unknown  
Appl. No.: 10/568,817  
Filed: February 21, 2006  
Intl. Appl. No.: PCT/EP2004/051948  
Intl. Filing Date: August 27, 2004  
For: **COMPOSITION COMPRISING A PULMONARY SURFACTANT AND A PDE2 INHIBITOR**

**TRANSMITTAL LETTER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith for filing in the U.S. Patent and Trademark Office is the following:

- 1) Information Disclosure Statement;
- 2) PTO Form-1449 with 28 cited References, and copies for 24 of the 28 cited References.

The Commissioner is hereby authorized to charge any deficiency or credit any excess to Deposit Account No. 14-0112.

Respectfully submitted,  
**NATH & ASSOCIATES PLLC**

  
Gary M. Nath, Reg. No. 26,965  
Sheldon M. McGee, Reg. No. 50,454  
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Alexandria, VA 22314

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**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

An Information Disclosure Statement is submitted herewith pursuant to 37 C.F.R. 1.97-1.98. Please note the following particulars: [NOTE: One only of items a, b, c, and d must be checked.]

[XXX] a. The enclosed statement is being filed within three months of the filing date of a national application, or within three months of the date of entry into the national stage as set forth in 37 C.F.R. 1.491 in an international application, or before the mailing date of a first Office Action on the merits, whichever event occurs last.

[ ] b. The enclosed statement is being filed after a first action on the merits but before the mailing date of a final action under 37 C.F.R. 1.113, or a notice of allowance under 37 C.F.R. 1.311.

The enclosed statement is accompanied by [check one]:

[ ] i. a certification in part (e) below as specified in 37 C.F.R. 1.97(e), or

[ ] ii. a check in the amount required by 37 C.F.R. 1.17(p).

[ ] c. The enclosed statement is being filed after the mailing date of a final action under 37 C.F.R. 1.113, or a notice of allowance under 37 C.F.R. 1.311, but before payment of the issue fee.

[ ] Certification report(e) below; and

[ ] a check in the amount as required by 1.17(p).

[ ] d. The enclosed statement is being filed pursuant to 37 C.F.R. 1.97(i), for placement in the file.

[ ] e. Certification [Check one] [Certification is required only if box (b)(i) or box (c) is checked.]

[ ] I hereby certify that each item of information contained in the enclosed Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement,

or

[ ] I hereby certify that no item of information in the enclosed Information Disclosure Statement herewith was cited in a communication from a foreign patent office in a counterpart foreign application, or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

or

[ ] Appropriate certification is attached.

[XXX] f. If no check is enclosed and a fee is due in connection with this communication or if the check enclosed is insufficient, the Commissioner is authorized to charge any fee or additional fee due in connection with this communication to Deposit Account No. 14-0112.

[XXX] g. Copies of the documents are attached herewith with a completed Form PTO-1449.

or

[ ] Copies of the documents are not attached as allowed under CFR 1.98(d)(1)(2). The earlier application is identified as:

and / or

[XXX] Copies of US Patents/Publications not attached as allowed in Official Gazette Aug. 5, 2003/ Vol. 1273, no. 1.

The Examiner is respectfully requested to cite the documents listed on the attached Form PTO-1449 in the next Office Action. In so doing, the Examiner is respectfully requested to initial in the space adjacent to the listing of each document on the Form PTO-1449, and return a copy of the initialed Form PTO-1449 with the next communication to Applicants, to confirm that these documents have been considered by the Examiner and made of record in this application.

If the Examiner has any questions or wishes to discuss this application, kindly telephone the undersigned at the below-listed number.

Respectfully submitted,  
**NATH & ASSOCIATES PLLC**

  
Gary M. Nath, Reg. No. 26,965  
Sheldon M. McGee, Reg. No. 50,454  
Customer No. 34375

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FORM PTO-1449

## INFORMATION DISCLOSURE CITATION

In re Application of:  
WOLLINArt Unit:  
UnknownAppl. No:  
10/568,817Filed:  
February 21, 2006Examiner:  
Unknown

## U.S. PATENT DOCUMENTS

Examiner Initial	Document Number	Issue / Publication Date	Inventor	Filed
A1	5,861,396 (corresponds to EP 0 771 799)	19 Jan. 1999	Niewöhner et al.	30 Oct. 1996
A2	6,174,884 (corresponds to WO 98/40384)	16 Jan. 2001	Haning et al.	26 Feb. 1998
A3	7,022,709 (corresponds to WO 02/09713)	4 Apr. 2006	Böss et al.	23 Jul. 2001
A4	6,982,075 (corresponds to WO 03/033014)	3 Jan. 2006	Taut	10 Oct. 2002

## FOREIGN PATENT DOCUMENTS

Examiner Initial	Document Number	Publication Date	Country	Translation
A5	0 771 799 A1	7 May 1997	EP	Abstract
A6	98/40384 A1	17 Sep. 1998	WO	Abstract
A7	02/09713 A2	7 Feb. 2002	WO	Abstract
A8	03/033014 A2	24 Apr. 2003	WO	Abstract
A9	01/19392 A1	22 Mar. 2001	WO	N/A
A10	01/76619 A1	18 Oct. 2001	WO	N/A
A11	01/58423 A1	16 Aug. 2001	WO	N/A

## OTHER

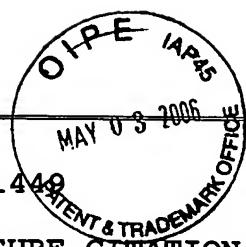
Examiner Initial	(Including Author, Title, Date, Pertinent Pages, etc.)
A12	Bernard, G.R., et al., "Report of the American-European consensus conference on ARDS: definitions, mechanisms, relevant outcomes and clinical trial coordination", <u>Intensive Care Med</u> , vol. 20, pp. 225-232, (1994).
A13	Häfner, D., et al., "Additive Effects of Phosphodiesterase-4 Inhibition on Effects of rSP-C Surfactant", <u>American Journal of Respiratory and Critical Care Medicine</u> , vol. 161, pp. 1495-1500, (2000).
A14	Tenor, H., et al., "Phosphodiesterase isoenzyme families in human osteoarthritis chondrocytes - functional importance of phosphodiesterase 4", <u>British Journal of Pharmacology</u> , vol. 135, pp. 609-618, (2002).

Examiner	Date Considered
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP ' 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

FORM PTO-1449

INFORMATION DISCLOSURE CITATION



In re Application of: WOLLIN	Art Unit: Unknown
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## OTHER

Examiner Initial	(Including Author, Title, Date, Pertinent Pages, etc.)
A15	Seeger, W., et al., "Surfactant inhibition by plasma proteins: differential sensitivity of various surfactant preparations", <u>Eur Respir J</u> , vol. 6, pp. 971-977, (1993).
A16	Suttorp, N., et al., "Phosphodiesterases-Inhibition und pulmonale Strombahn - ein neuer Therapieansatz?", <u>Atemwegs und Lungenerkrankheiten</u> , vol. 22, pp. 560-566, (1996). ABSTRACT
A17	Souness, J.E., et al., "Pig aortic endothelial-cell cyclic nucleotide phosphodiesterases: Use of phosphodiesterase inhibitors to evaluate their roles in regulating cyclic nucleotide levels in intact cells", <u>Biochemical Journal</u> , vol. 266, pp. 127-132, (1990).
A18	Spragg, R.G., et al., "Treatment of Acute Respiratory Distress Syndrome with Recombinant Surfactant Protein C Surfactant", <u>American Journal of Respiratory Critical Care Medicine</u> , vol. 167, pp. 1562-1566, (2003).
A19	Suttorp, N., et al., "Role of Nitric Oxide and Phosphodiesterase Isoenzyme II for Reduction of Endothelial Hyperpermeability", <u>American Journal of Physiology</u> , vol. 270, pp. 778-785, (1990).
A20	Moore, T.M., et al., "Signal transduction and regulation of lung endothelial cell permeability. Interaction between calcium and cAMP", <u>Am J Physiol Lung Cell Mol Physiol</u> , vol. 275, pp. L203-L222, (1998).
A21	Kishi, Y., et al., "Phosphodiesterases in Vascular Endothelial Cells", <u>Advances in Second Messenger and Phosphoprotein Research</u> , vol. 25, pp. 201-213, (1992).
A22	Koga, S., et al., "TNF modulates endothelial properties by decreasing cAMP", <u>American Journal of Physiology</u> , vol. 268, pp. 1104-1113, (1995).
A23	Hohlfeld, J.M., et al., "Dysfunction of Pulmonary Surfactant in Asthmatics after Segmental Allergen Challenge", <u>Am J Respir Crit Care Med</u> , vol. 159, pp. 1803-1809, (1999).
A24	Ashikaga, T., et al., "Altered Expression of Cyclic Nucleotide Phosphodiesterase Isozymes during Culture of Aortic Endothelial Cells", <u>Biochemical Pharmacology</u> , vol. 54, pp. 1071-1079, (1997).

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A25	Eaton, S., et al., "Clinical developments for treating ARDS", <u>Expert Opinion Investigational Drugs</u> , vol. 11, pp. 37-48, (2002).
A26	Fuchimukai, T., et al., "Artificial pulmonary surfactant inhibited by proteins", <u>J. Appl. Physiol.</u> , vol. 62, no. 2, pp. 429-437, (1987).
A27	Häfner, D., et al., "Cyclooxygenase-inhibition enhances the effects of rSP-C surfactant therapy in a rat lavage model of Acute Respiratory Distress Syndrome (ARDS)", <u>Exp Toxic Pathol</u> , vol. 55, pp. 59-68, (2003).
A28	Kurashima, K., et al., "A Pilot Study of Surfactant Inhalation for the Treatment of Asthmatic Attack", <u>Jpn. J. Allergol.</u> , vol. 40, no. 2, pp. 160-163, (1991).
A29	
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A32	
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A34	

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